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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
TOBACCO LITIGATION TEAM

UNITED STATES OF AMERICA,

Plaintiff,

-against-

PHILIP MORRIS, INC., et al,

Defendants.

Civil Action No.
99-CV-02496 (GK)

**OBJECTIONS AND RESPONSES OF DEFENDANT BRITISH AMERICAN
TOBACCO (INVESTMENTS) LIMITED TO PLAINTIFF UNITED STATES'
FIRST SET OF INTERROGATORIES TO DEFENDANTS**

Defendant British American Tobacco (Investments) Limited, formerly known as British American Tobacco Company Limited ("BATCo"), by its attorneys, Chadbourne & Parke LLP, as and for its objections and responses to Plaintiff United States' ("Plaintiff") First Set of Interrogatories to Defendants ("Interrogatories"), made pursuant to the Federal Rules of Civil Procedure ("Fed.R.Civ.P."), the Court's Eighth Case Management Order dated November 17, 2000 ("CM08") and the Court's Order No. 39 dated December 1, 2000, states as follows:

GENERAL OBJECTIONS

1. These objections form a part of the response to each and every Interrogatory and are set forth herein to avoid duplication and repetition by restating them for each Interrogatory. These general objections may specifically be referred to for the purpose of

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RESPONSE:

BATCo asserts General Objections 4, 5, 6, 9, 12, 18 and 25 in response to this Interrogatory. BATCo further objects to this Interrogatory on the grounds that the phrases “health effects and risks of smoking cigarettes” and “all facts known by Each such Person so Identified” are vague, ambiguous, and unintelligible. BATCo further objects to this Interrogatory on the grounds that it can reasonably be anticipated that every BATCo employee has “knowledge concerning the health effects and risks of smoking cigarettes,” making it unduly burdensome to “identify” each such person and impossible to “describe all facts” known by each such person. Subject to and without waiving the foregoing general and specific objections, BATCo responds as follows:

BATCo states that among the scientists employed by it with scientific knowledge concerning the health effects and risks of smoking cigarettes are: (i) Graham Read, Head of Strategic Research and Research Co-ordinator, Research and Development Centre, Regents Park Road, Millbrook, Southampton SO15 8TL, United Kingdom; and, (ii) Christopher Proctor, Head of Science and Regulation, Globe House.

INTERROGATORY NO. 10.

List Each disease or medical condition that you have concluded is caused by smoking cigarettes, and state all facts regarding your conclusion regarding the causal relationship between cigarette smoking and Each disease or medical condition listed.

RESPONSE:

BATCo asserts General Objections 4, 9, 12 and 25 in response to this Interrogatory. BATCo further objects to this Interrogatory on the grounds that the terms "disease or medical condition," "concluded," "conclusion," "caused," and "causal relationship" are vague, ambiguous, and unintelligible because they are misleading and oversimplify a complex issue. Subject to and without waiving the foregoing general and specific objections, BATCo responds as follows:

BATCo states that smoking is a real risk for certain serious diseases, including lung cancer, chronic obstructive pulmonary disease and cardio-vascular diseases. Numerous other factors are also reported to be associated with these diseases, including but not limited to genetic, environmental, social, and behavioral factors. The causes of these diseases are complex, and the mechanism of causation, as well as the possible role of any cigarette smoke constituent in causation, have not been scientifically established. Notwithstanding these issues, the epidemiological studies on smoking and health consistently report an increased risk of premature morbidity and mortality among smokers. Further, to the extent the criteria for the determination of cause are based extensively on this epidemiology, it is reasonable that public health authorities have concluded that smoking is a cause of premature morbidity and mortality. BATCo further states that public health authorities have concluded that smoking is a cause of certain diseases and the public has long accepted that conclusion. In short, BATCo accepts, in the most simple and commonly understood sense, that smoking is a cause of certain serious

diseases such as certain cancers, including lung cancer, chronic obstructive pulmonary disease and cardio-vascular diseases.

INTERROGATORY NO. 11.

For the years 1950 to the present, Identify Each Person employed by You with knowledge concerning Addiction to nicotine, cigarettes, or cigarette smoking, and describe all facts known by Each such person so identified.

RESPONSE:

BATCo asserts General Objections 4, 5, 6, 9, 12, 15, 18 and 25 in response to this Interrogatory. BATCo further objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, harassing, and oppressive to the extent that it seeks information concerning "Addiction to nicotine, cigarettes, or cigarette smoking" or seeks "all facts known by Each such Person so identified" (as the relevant terms have been defined by plaintiff), insofar as BATCo would be required to identify a large number of "Persons employed" by BATCo since 1950, many of whose documents needed for identification may not exist or are being or have been produced or made available to plaintiff in this action. BATCo further objects to this Interrogatory on the grounds that it can reasonably be anticipated that every BATCo employee has "knowledge concerning Addiction to nicotine, cigarettes, or cigarette smoking," making it unduly burdensome to "identify" each such person and impossible to "describe all facts" known by each such person. Subject to and without waiving the foregoing general and specific objections, BATCo responds as follows: